

TACIR

**The Tennessee Advisory Commission
on Intergovernmental Relations**



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MEMORANDUM

TO: TACIR Commission Members

FROM: Harry A. Green
Executive Director

DATE: June 11, 2008

SUBJECT: Illegal Immigration: Impact on Tennessee

Historically, Tennessee has not been a state heavily populated by immigrants. This has changed in recent years; from 1990 to 2000, it is estimated that Tennessee's immigrant population increased over 135% (see Attachments 1 and 2). The Urban Institute labels Tennessee a "New Growth State" and a "Top 10 Growth State," in regard to increases in the immigrant population. These increases have occurred in both the legal and illegal immigrant populations. There is no official data on the number of illegal immigrants in the United States or in individual states, any such figures are estimated. The Pew Hispanic Center estimates that by 2005, there were between 100,000 and 150,000 illegal immigrants residing in Tennessee.

State and local governments are the primary jurisdictions providing services to illegal immigrants, but they also have the most limited options to reduce these costs. Frustration with the issue is evident in legislators' increased efforts to pass immigration-related legislation. The National Conference of State Legislatures reports that the number of immigration-related bills entered by state legislators in 2007 was almost threefold the number entered in 2006. As of April 2008, twenty-six states had enacted forty-four laws and adopted thirty-eight resolutions or memorials in areas such as education, employment, health, human trafficking, IDs or Drivers Licenses, law enforcement, legal services, public benefits, and voting. The NCSL points out that legislation enacted by states seeks to address both enforcement and integration issues related to immigrants.

Tennessee legislators introduced more than fifty bills in the 2007-2008 legislative session, seven of which became law (See Attachments 3 and 4). These pieces of legislation increase restrictions on illegal immigrant employment and increase sanctions on persons who hire or transport illegal immigrants into the state. Additionally, three pieces of law enforcement legislation aim to broaden the immigration enforcement authority of state highway patrol officers.

Employment Legislation

- Public Chapter 529 prohibits persons from knowingly employing, recruiting, or referring an illegal alien for employment.
- Public Chapter 220 prohibits the use of federal individual taxpayer identification numbers as proof of immigration status for employment.

Drivers License Legislation

- Public Chapter 194 removes provisions for certificates of driving and provides temporary driver licenses for persons whose presence in the country has been authorized by the federal government.
- Public Chapter 28 broadens criminal provisions involving unlawful use of driver licenses.

Law Enforcement Legislation

- Public Chapter 242 imposes a fine of \$1,000 for transporting illegal aliens into the state for commercial advantage or private financial gain.
- Public Chapter 603 allocates \$100,000 in federal funds to train state highway patrol officers in immigration enforcement.
- Public Chapter 165 authorizes the commissioner of safety to negotiate a memorandum of understanding with the U.S. Department of Homeland Security concerning the enforcement of immigration laws and detention and removal.

In addition to increased legislative efforts, the focus on the topic of illegal immigration is evidenced by many federal, state, organizational reports attempting to quantify the effect of illegal immigration on jurisdictions (See Attachment 5).

Two studies that discuss the impact of illegal immigration on Tennessee have been published recently. The first, *Immigration Issues in Tennessee*, was published by the Tennessee Comptroller of the Treasury and provides information on the illegal immigrant population's potential economic impact on jobs and wages, illegal immigrants' eligibility for and use of public benefits and services and their costs, as well as federal precedence over state law in this

area. The Comptroller's study does not make conclusive statements about the fiscal impacts of illegal immigrants on the state.

The second Tennessee specific study, *The Costs of Illegal Immigration to Tennesseans*, was published by the Federation for American Immigration Reform (FAIR). This study estimates costs incurred by the illegal immigrant population for education, health care, and incarceration. Additionally, the study estimates tax receipts from illegal immigrants. The study compares cost estimates to tax receipt estimates to determine that illegal immigrants imposed a net cost of \$216 million on the state of Tennessee in 2007.

In order to further explore how illegal immigration is affecting the state, TACIR staff is currently working on a report titled *Illegal Immigration: Impact on Tennessee*. Toward quantifying the impact of the illegal immigrant population in Tennessee, this report reviews and evaluates methodologies used in 16 other state reports to try to estimate direct costs and benefits resulting from illegal immigration. Estimates in these reports include information on costs due to education, healthcare and incarceration, and revenue from sales, property, income, and miscellaneous taxes. To generate estimates specific to Tennessee, the report applies methodologies used in these studies to Tennessee data. The report also will present cost and benefit estimates using methodologies developed by TACIR staff. Also included in the report is a discussion of indirect costs and benefits resulting from illegal immigration.

Staff plans to present the Commission with the report at the September 2008 TACIR Commission meeting.

Attachment 1

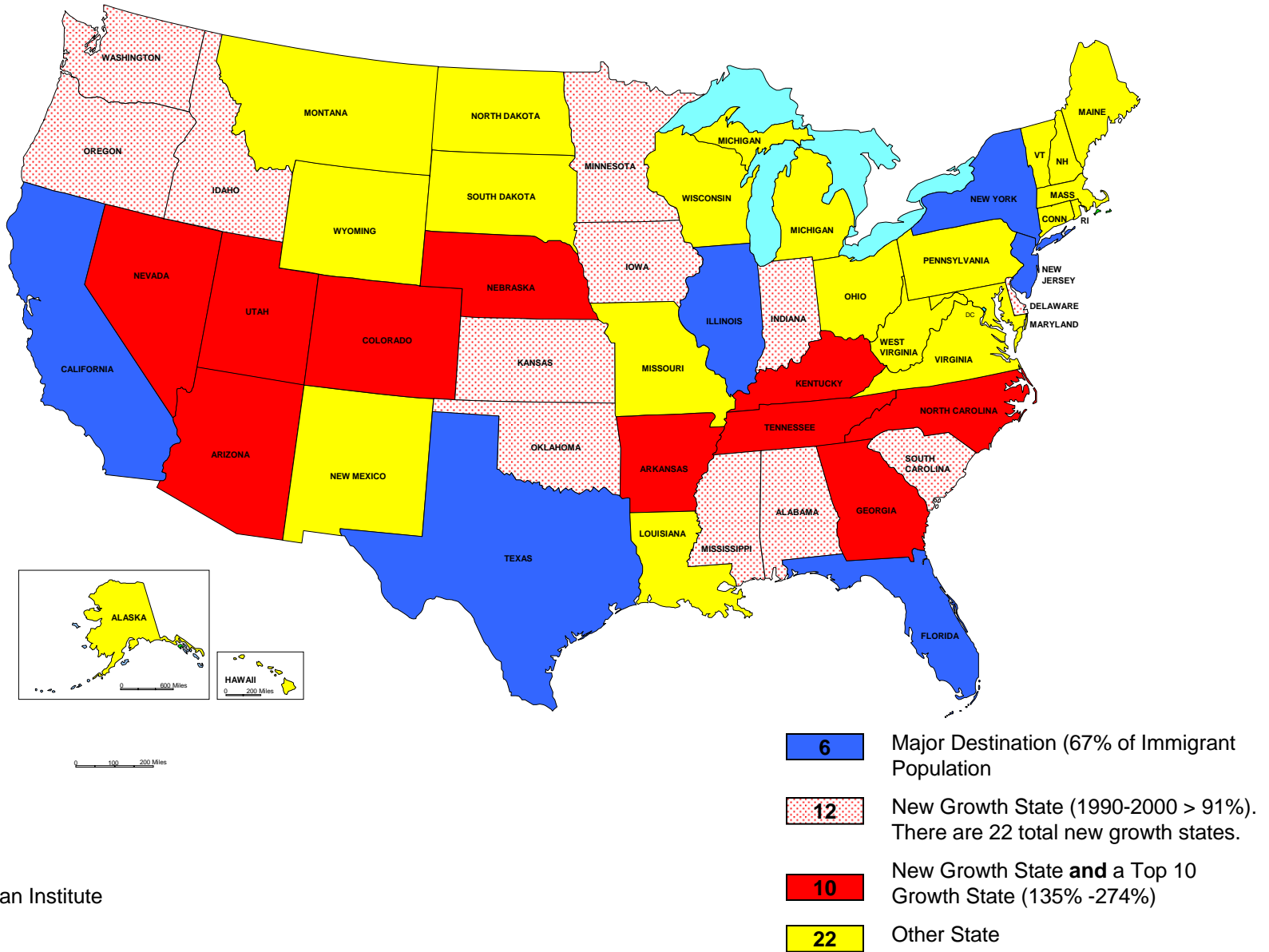
New Immigration Growth Centers

Major Immigrant Destinations (67% of Nation's Immigrant Population)	
California Florida Illinois New Jersey New York Texas	
New Growth States (Greater than 91% Growth in Immigrant Population 1990-2000)	
Alabama Arizona* Arkansas* Colorado* Delaware Georgia* Idaho Indiana Iowa Kansas Kentucky*	Minnesota Mississippi Nebraska* Nevada* North Carolina* Oklahoma Oregon South Carolina Tennessee* Utah* Washington
* Also a Top 10 Growth State (Immigrant Growth 1990-2000 was 135% - 274%)	
All Other States	
Alaska Connecticut Hawaii Louisiana Maine Maryland Massachusetts Michigan Missouri Montana New Hampshire	New Mexico North Dakota Ohio Pennsylvania Rhode Island South Dakota Vermont Virginia West Virginia Wisconsin Wyoming

Source: The Urban Institute

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New Immigration Growth Centers



Source: The Urban Institute
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**Attachment 3
2007-2008**

Immigration-Related Legislation Passed in Tennessee

Employment		
Public Chapter 529	SB0202 / HB0729	Prohibits persons from knowingly employing an illegal alien, recruiting an illegal alien, or referring an illegal alien for employment for a fee; punishable by license suspension, authorizes the entering into of a memorandum of understanding between local governments and the federal government regarding enforcement of immigration laws.
Public Chapter 220	SB0903 / HB1274	Prohibits the use in this state of a federal individual taxpayer identification number as a form of identification to prove immigration status for purpose of an application of or offer of employment.
ID/Drivers Licenses/Other Licenses		
Public Chapter 194	SB1968 / HB1827	Removes provisions for certificates of driving and provides for temporary driver licenses for persons whose presence in the country has been authorized by the federal government.
Public Chapter 28	SB0767 / HB0387	Broadens criminal provisions involving unlawful use of driver licenses to include use of certificates for driving and all other government-issued photo identification documents.
Law Enforcement		
Public Chapter 242	SB0193 / HB0600	Prohibits the transportation of illegal aliens in to the state for the purpose of commercial advantage or private financial gain, imposes a fine of \$1,000 for such violation, and requires that money received from such fines go to the arresting agency or agencies.
Public Chapter 603	SB2334 / HB2353	Appropriations bill that allocates \$100,000 in federal funds to train state highway patrol officers in immigration enforcement.
Public Chapter 165	SBN1604 / HB0491	Authorizes the commissioner of safety to negotiate a memorandum of understanding with the U.S. Department of Homeland Security concerning the enforcement of immigration laws, detention and removals in this state; provides that certain highway patrol officers will be trained pursuant to the memorandum of understanding.

Attachment 4
2007-2008
Immigration-Related Bills That Did Not Pass

Bail, Bail Bonds

SB3213 / HB2860	Creates a presumption when determining the amount of bail that any defendant not lawfully present in the United States is a risk of flight; requires jailers to determine citizenship status of persons charged with a felony or with a second or subsequent DUI. - Amends TCA Title 40.
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Business and Commerce

SB1506 / HB0606	Requires a person to show proof of U.S. citizenship or residency in this country when requesting money or other funds be transmitted from this country to a location in a foreign country. - Amends TCA Title 45 and Title 47.
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Criminal Offenses

SB1348 / HB0622	Creates a Class E felony offense for providing a public servant with documentation falsely stating or implying that a person is a legally documented immigrant to the United States for the purpose of obtaining certain public benefits including TennCare or for providing false documents to an employer for the purpose of obtaining employment. - Amends TCA Title 4 and Title 39, Chapter 16, Part 5.
SB1581 / HB 0684	Creates the criminal offenses of recklessly employing an illegal alien, knowingly employing an illegal alien, and knowingly encouraging or inducing an illegal alien to enter the state for the purpose of employing such illegal alien unless the employer verifies the immigrant status prior to employment by using the federal electronic work authorization verification service. - Amends TCA Title 39 and Title 50.

Driver Licenses

SB0886 / HB0366	Abolishes certificates of driving; authorizes issuance of one-year renewable driver licenses to aliens demonstrating lawful presence. - Amends TCA Title 55, Chapter 50.
SB0206 / HB0726	Repeals issuance of certificates for driving, and instead requires applicants to meet the standards for issuance of driver licenses. - Amends TCA Title 55, Chapter 50.
SB2648 / HB2899	Permits issuance of temporary driver licenses to persons who are authorized to be in the United States for less than one year. - Amends TCA Title 55, Chapter 50, Part 3.

Education, Higher

SB3729 / HB3017	Requires students attending public colleges and universities in Tennessee to be lawfully in the United States. - Amends TCA Title 49.
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Attachment 4
2007-2008
Immigration-Related Bills That Did Not Pass

Election Laws	
SB2794 / HB3050	Requires citizenship status to be proven prior to registration to vote and requires certain procedures to ensure identity and citizenship status prior to voting. - Amends TCA Title 2 and Title 4.
SB2810 / HB3052	Requires identification and proof of citizenship for voter registration. - Amends TCA Title 2.
SB1610 / HB0408	Requires citizenship status to be proven prior to registration to vote and requires certain procedures to ensure identity and citizenship status prior to voting. - Amends TCA Title 2 and Title 4.
SB1611 / HB0409	Requires identification and proof of citizenship for voter registration. - Amends amend TCA Title 2.
Employees, Employers	
SB0252 / HB0066	Creates the Class B misdemeanor offense of an illegal alien knowingly receiving compensation for working in this state, unless granted an exemption by the U.S. department of labor; specifies that any money derived from such unlawful employment is subject to the criminal forfeiture provisions. - Amends TCA Title 50, Chapter 1.
SB0254 / HB0074	Requires employers to examine documents listed on department of homeland security Form 1-9 at the time a person is hired and to retain the documents for a period of time; permits the commissioner of labor and workforce development to assess a civil penalty for noncompliance; creates a Class E felony to hire an illegal alien. - Amends TCA Title 39 and Title 50.
Financial Responsibility Law	
SB0478 / HB1915	Adds certificate for driving to definition of "driver license" for purposes of complying with the financial responsibility law. - Amends TCA Title 55, Chapter 12, Part 1.
General Assembly, Studies	
HJR 0052	Creates special joint committee to study effect of illegal immigration on Tennessee.
Highway Patrol	
SB0203 / HB0728	Permits commissioner of safety to negotiate and enter a memorandum of understanding with federal authorities to provide appropriate training for certain highway patrol officers to enforce federal immigration laws in Tennessee during the normal course of their duties. - Amends TCA Title 4, Chapter 3, Part 20 and Title 4, Chapter 7.

Attachment 4
2007-2008
Immigration-Related Bills That Did Not Pass

Immigrants	
SB0544 / HB0440	Enacts the "Tennessee Immigration Compliance Act." - Amends TCA Title 4; Title 12; Title 38; Title 39; Title 41; Title 67 and Title 71.
SB0576 / HB1216	Enacts the "Tennessee Immigration Compliance Act." - Amends TCA Title 4; Title 12; Title 38; Title 39; Title 41; Title 67 and Title 71.
SB0904 / HB1272	Requires all state agencies and political subdivisions to verify eligibility of all individuals 18 years of age or older before providing public benefits by using the federal "systematic alien verification for entitlements" or "SAVE" program, with limited exceptions. - Amends TCA Title 4 and Title 39.
SB0906 / HB1273	Enacts the "Tennessee Employment Verification Act." - Amends TCA Title 4 and Title 50.
SB0931 / HB0429	Revokes franchise and excise tax exemptions or credits of any person who knowingly employs an illegal immigrant in this state. - Amends TCA Title 67.
SB1869 / HB0878	Eliminates certificates for driving, requires certain documents as proof of lawful permanent residency for purposes of obtaining driver license, and requires proof of lawful presence prior to receipt of certain public benefits. - Amends TCA Title 4; Title 39 and Title 55, Chapter 50.
SB1870 / HB0877	Enacts the "Employer Responsibility in Hiring Practices Act." - Amends TCA Title 39 and Title 50.
SB2955 / HB2907	Enacts the "Tennessee Taxpayer and Citizen Protection Act of 2008."
HB 0593	Enacts the "Tennessee Immigration Compliance Act." - Amends TCA Title 4; Title 12; Title 38; Title 39; Title 41; Title 67 and Title 71.
SB2318 / HB1983	Provides for enforcement of the statute prohibiting the hiring of illegal immigrants in this state by local law enforcement agencies as well as by the department of labor and workforce development. - Amends TCA Section 50-1-103.
SB2763 / HB2718	Enacts the "Tennessee Taxpayer and Citizen Protection Act of 2008." -
SB3129 / HB2992	Creates a civil cause of action for wrongful termination against any employer who knowingly discharges an employee who is a United States citizen or permanent resident alien and hires or retains a person to replace the discharged employee who the employer knows is an illegal alien. - Amends TCA Title 50

Attachment 4
2007-2008
Immigration-Related Bills That Did Not Pass

SB3722 / HB3024	Authorizes the seizure and sale of properties of any enterprise that employs three or more illegal immigrants in a calendar year; provides for lien notices and rights of creditors of such properties. - Amends TCA Title 39, Chapter 12.
SB3036 / HB3037	Authorizes commissioner of correction to enter into agreement with federal department of homeland security concerning immigration enforcement. - Amends TCA Title 4 and Title 41.
SB2790 / HB3045	Enacts the "Tennessee Taxpayer and Citizen Protection Act." - Amends TCA Title 2 and Title 4.
SB2791 / HB3048	Requires verification of immigration status for state benefits; requires state agencies to report illegal immigrants to federal authorities. - Amends TCA Title 4.
SB2966 / HB3246	Enacts the "Tennessee Taxpayer and Citizen Protection Act of 2008." -
SB2936 / HB3257	Restricts state and local governmental benefits that can be provided to persons over 18 who are not lawfully in the United States. - Amends TCA Title 4 and Title 39.
SB3443 / HB3500	Enacts the "Tennessee Citizen Protection Act of 2008."
SB3871 / HB3691	Requires jailers to check legal status of each person charged with a felony or DUI; requires governments to verify the lawful status of person receiving or applying for public benefits. - Amends TCA Title 4 and Title 41, Chapter 4.
HB 0593	Enacts the "Tennessee Immigration Compliance Act." - Amends TCA Title 4; Title 12; Title 38; Title 39; Title 41; Title 67 and Title 71.
Labor and Workforce Development	
SB2599 / HB2527	Creates nine investigator positions, three in each grand division, to investigate employers allegedly hiring illegal aliens. - Amends TCA Section 50-1-103.
Local Government, General	
SB2951 / HB3064	Requires local governments and law enforcement to cooperate with federal officials on immigration status of any person in the state and prohibits local governments from enacting sanctuary policies toward immigrants. - Amends TCA Title 7.

Attachment 4
2007-2008
Immigration-Related Bills That Did Not Pass

Memorials, Congress	
SJR 0013	Urges enactment of legislation to accelerate naturalization process and make such process more accessible to legal immigrants. -
Motor Vehicles, Titling and Registration	
SB0388 / HB1416	Requires all persons registering a motor vehicle to provide valid photographic identification issued by the state or U.S. government verifying identification and legal presence in the state. - Amends TCA Title 55, Chapter 4, Part 1.
State Government	
SB1615 / HB0406	Enacts the "Tennessee Taxpayer and Citizen Protection Act." - Amends TCA Title 2 and Title 4.
SB0205 / HB0733	Requires all persons 18 or older to provide proof of lawful presence prior to receipt of certain public benefits; and requires state and local governments to verify such proof prior to issuing such benefits. - Amends TCA Title 4 and Title 39.
Vital Records	
SB3734 / HB2998	Prohibits registration of a birth certificate for a child of an illegal immigrant mother unless the father is a US citizen and he provides a written agreement for financial support of child until age 18. - Amends TCA Title 68, Chapter 3.
Welfare	
SB1616 / HB0407	Requires verification of immigration status for state benefits; requires state agencies to report illegal immigrants to federal authorities. - Amends amend TCA Title 4.

Attachment 5

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